

## Message Text

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45

ORIGIN TRSE-00

INFO OCT-01 EUR-12 ISO-00 FEA-01 AGR-05 CEA-01 CIAE-00

COME-00 DODE-00 EB-07 FRB-03 H-02 INR-07 INT-05 L-03

LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

STR-04 TAR-01 USIA-06 PRS-01 SP-02 OMB-01 IO-10 XMB-02

OPIC-03 /108 R

DRAFTED BY TREASURY:RSELF:CLJ

APPROVED BY EB/OT/STA:WCLARK,JR.

EB/OT/STA:MCJONES

EUR/CE:RCASAGRANDE

----- 051908

P 131358Z AUG 75

FM SECSTATE WASHDC

TO AMEMBASSY BERN PRIORITY

C O N F I D E N T I A L STATE 191453

E.O. 11652: N/A

TAGS: ETRD, SZ

SUBJECT: COUNTERVAILING DUTIES--CHEESE FROM SWITZERLAND

REF: BERN 3331

1. FARM BUREAU FEDERATION EMPHATICALLY DENIED TO THE TREASURY THAT IT EVER INDICATED THAT IT WOULD NOT CHALLENGE A DECISION TO WAIVE ASSESSMENT OF COUNTERVAILING DUTIES ON SWISS CHEESE. DEPUTY ASSISTANT SECRETARY SUCHMAN INFORMED SWISS OFFICIALS OF THIS IN JUNE, AFTER THERE HAD BEEN REPORTS EMANATING FROM A MAY 1 MEETING BETWEEN THE SWISS AND FARM BUREAU FEDERATION OFFICIALS WHERE THE BUREAU PURPORTEDLY INDICATED THAT IT WOULD NOT CHALLENGE TREASURY'S DECISION.

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2. A COUNTERVAILING DUTY WAIVER WOULD MOST PROBABLY BE SUSTAINED BY A COURT, SINCE FROM A LEGAL STANDPOINT THE TREASURY SECRETARY'S DISCRETIONARY AUTHORITY IS RELATIVELY WIDE IN DETERMINING WHETHER CONDITIONS HAVE BEEN MET TO QUALIFY FOR THE WAIVER. AN EFFORT TO OVERRIDE A WAIVER DETERMINATION WOULD MORE APPROPRIATELY BE MADE IN THE CONGRESS, WHICH HAS THE AUTHORITY TO DO SO BY A MAJORITY VOTE OF MEMBERS PRESENT IN EITHER HOUSE. FARM BUREAU HAS NOT INDICATED THAT IT WILL MAKE AN EFFORT TO ACHIEVE CONGRESSIONAL OVERRIDE OR TAKE A WAIVER DECISION TO THE COURTS.

3. JULY 28 SUBMISSION REFERRED TO IN REFTTEL REPRESENTS STRONGLY HELD VIEWS BY FARM BUREAU FEDERATION THAT SUBSIDIZED IMPORTS SHOULD BE COUNTERVAILED WITHOUT EXCEPTION. IT WOULD THEREFORE BE INAPPROPRIATE TO CHARACTERIZE SUCH A RESPONSE AS PRO FORMA. ALTHOUGH PERIOD OF TIME FOR COMMENTS HAS NOT EXPIRED AND TREASURY'S POSITION THUS STILL PRELIMINARY, JULY 28 PRESENTATION BY FARM BUREAU HAS NO WAY CHANGED TREASURY'S INTENTION TO CARRY OUT PREVIOUSLY ANNOUNCED INTENTIONS TO EXERCISE WAIVER. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CHEESE, TARIFFS, IMPORT CONTROLS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 13 AUG 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**Enclosure:** DG ALTERD  
**Executive Order:** GS  
**Errors:** N/A  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
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**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
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**Review Authority:** CunninFX  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 19 JUN 2003  
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**Review Transfer Date:**  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** COUNTERVAILING DUTIES--CHEESE FROM SWITZERLAND  
**TAGS:** ETRD, SZ, US  
**To:** BERN  
**Type:** TE  
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